

REMARKS

The present application was filed on July 24, 2003 with claims 1 through 39. Claims 1-39 are presently pending. Claims 1, 24 and 39 are proposed to be amended herein, and claims 16 and 17 are proposed to be cancelled, without prejudice

5 In the Office Action, the Examiner rejected claims 16 and 17 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In addition, the Examiner rejected claims 1-39 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. Claims 1-39 are rejected under 35 U.S.C. §101 as being directed to non-
10 statutory subject matter. Claims 1, 24 and 39 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting, as being unpatentable over claims 1, 22 and 32 of Copending application 10/626,483. Claims 1-39 were rejected under 35 U.S.C. §102(e) as being anticipated by Honarvar et al. (United States Patent Application Publication No 2003/0154406)

Section 112 Rejections

15 The Examiner rejected claims 16 and 17 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner asserts that the terms “qualitatively correlated” and “quantitatively correlated” are not described. Claims 16 and 17 are proposed to be cancelled, without prejudice.

20 The Examiner also rejected claims 1-39 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. In particular, the Examiner asserts that claims 1, 24 and 39 recite “authenticating a user” in the preamble, but the body of the claim does not support user authentication.

25 Independent claims 1, 24 and 39 have been amended to emphasize that a user is authenticated when the predefined security threshold is satisfied. Applicants respectfully request withdrawal of the rejections under Section 112.

Section 101 Rejection

Claims 1-39 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In particular, the Examiner asserts that the claims do not produce a tangible result. Independent claims 1, 24 and 39 have been amended to emphasize that a user is authenticated when the predefined security threshold is satisfied. Applicants submit that all of the claims are now in full compliance with Section 101 and respectfully request withdrawal of the rejection under Section 101.

Double Patenting

Claims 1, 24 and 39 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting, as being unpatentable over claims 1, 22 and 32 of Copending application 10/626,483. Independent claims 1, 24 and 39 have been amended to emphasize that the server performing the method is independent of the third party customer verification server. Applicants submit that these features do not appear in the claims of Copending application 10/626,483 and thus the two applications are claiming different aspects.

Applicants respectfully request withdrawal of the double patenting rejection.

Section 102 Rejection of Independent Claims

Independent claims 1, 24 and 39 were rejected under 35 U.S.C. §102(e) as being anticipated by Honarvar et al.

With regards to claim 1, for example, the Examiner asserts that Honarvar et al. teaches a method for authenticating a user, comprising obtaining an asserted identity of said user (citing pars. 28, 100 and 105); obtaining a random subset of questions that said user has previously answered with a customer verification server (citing pars. 104-05, 120, 122, and 126-27); and presenting one or more questions to said user from said random subset of questions until a predefined security threshold is satisfied (citing pars. 233-34, 236 and 237).

Independent claims 1, 24 and 39 have been amended to emphasize that the server performing the method is independent of the third party customer verification server.

Applicants submit, however, that Honarvar et al. do not disclose or suggest that “the user has previously answered with a *third party* customer verification server that is *independent of said first server*,” as required by each independent claim, as amended. Rather, to

the extent the user answers questions that are subsequently used to authenticate a user, it is all performed by the *same* entity.

Thus, Honarvar et al. does not disclose or suggest "obtaining a random subset of questions that said user has previously answered with a *third party* customer verification server that is *independent of said first server*," as required by each independent claim.

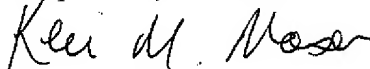
Dependent Claims

Claims 2-23 and 25-39 are dependent on claims 1 and 24, respectively, and are therefore patentably distinguished over Honarvar et al. because of their dependency from independent claims 1 and 24 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

All of the pending claims are in condition for allowance and such favorable action is earnestly solicited. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,



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